

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Bruce Allen Buckner,

PETITIONER

v.

Warden, MacDougall Correctional
Institution

RESPONDENT

Case No. 1:21-cv-03714-TLW

Amended Order

This matter has been remanded to this Court by the United States Court of Appeals for the Fourth Circuit for the limited purpose of permitting the district court to supplement the record with an order granting or denying a certificate of appealability. Accordingly, the Court amends its June 6, 2022, Order (ECF No. 27) to include the following conclusion:

The Court has carefully reviewed the Report and concludes that it accurately summarizes the case and the applicable law. In summary, Petitioner does not assert he has exhausted his state law remedies, including filing an application for post-conviction relief (“PCR”), with respect to each of his claims, as required before filing a federal habeas petition. Accordingly, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED**. ECF No. 6. For the specific reasons articulated by the magistrate judge, without objection, this petition is **DISMISSED** without prejudice. Petitioner’s outstanding motions, ECF Nos. 13, 14, 19, 22, and 23 are dismissed as moot.

The Court has reviewed this petition in accordance with Rule 11 of the Rules Governing Section 2255 Proceedings. In order for the Court to issue a certificate of appealability, Rule 11 requires that Petitioner satisfy the requirements of 28 U.S.C. § 2253(c)(2), which in turn requires that he “has made a substantial showing of the denial of a constitutional right.” The Court concludes Petitioner has not made such a showing, and therefore it is not appropriate to issue a certificate of appealability as to the issues raised in this petition. However, Petitioner is advised

that he may seek a certificate from the Fourth Circuit Court of Appeals under Rule 22 of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

s/ Terry L. Wooten

Terry L. Wooten
Senior United States District Judge

October 11, 2022
Columbia, South Carolina